

<b>UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY (TRENTON)</b>	
<b>RAS Crane, LLC</b> Attorneys for Secured Creditor 10700 Abbott's Bridge Road, Suite 170 Duluth, GA 30097 Telephone: 470-321-7112 (main) Telephone: 973-575-0707 (local)  Laura Eggerman, Esq. (LE-8250)	CASE NO.: 19-21587-MBK  CHAPTER 13  <b>Objection to Confirmation of Debtor's Chapter 13 Plan</b>
<b>In Re:</b>  <b>Kurt N. Kvist,</b>  <b>Debtor.</b>	

**OBJECTION TO CONFIRMATION OF DEBTOR'S CHAPTER 13 PLAN**

Wilmington Savings Fund Society, FSB, D/B/A Christiana Trust, Not Individually but As Trustee for Pretium Mortgage Acquisition Trust ("Secured Creditor"), by and through its undersigned counsel, objects to confirmation of Debtor's Chapter 13 Plan (DE # 2), and states as follows:

1. Debtor, Kurt N. Kvist ("Debtor"), filed a voluntary petition pursuant to Chapter 13 of the Bankruptcy Code on June 10, 2019.
2. Secured Creditor holds a security interest in the Debtor's real property located at 19 Grover Ave, South Amboy, NJ 08879, by virtue of a Mortgage recorded on April 23, 2003 in Book 8305, at Page 769 of the Public Records of Middlesex County, NJ. Said Mortgage secures a Note in the amount of \$75,000.00.
3. The Debtor filed a Chapter 13 Plan on June 10, 2019.
4. The Plan fails to include treatment of Secured Creditor's claim. The subject property and claim are, however, listed in Debtor's schedules. Secured Creditor objects to the Plan and seeks clarification as to Debtor's intentions in regard to the subject property and claim.
5. The Plan fails to include the amount of arrears due to Secured Creditor. The pre-petition arrearage due to Secured Creditor is \$12,536.42, whereas the Plan proposes \$0.00 to

Secured Creditor. Therefore, the Plan is not in compliance with the requirements of 11 U.S.C. §§1322(b)(3) and 1325(a)(5) and cannot be confirmed. Secured Creditor objects to any plan which proposes to pay it anything less than \$12,536.42 as the pre-petition arrearage over the life of the plan, subject to the final figures in the anticipated proof of claim.

6. The Plan does not appear feasible due to unclear treatment of Secured Creditor's claim. Thus, the plan violates the provisions of 11 U.S.C. § 1325(a)(3) and cannot be confirmed.

**WHEREFORE**, Secured Creditor respectfully requests this Court sustain the objections stated herein and deny confirmation of Debtor's Plan, and for such other and further relief as the Court may deem just and proper.

Dated: October 16, 2019

RAS Crane, LLC  
Attorney for Secured Creditor  
10700 Abbott's Bridge Road, Suite 170  
Duluth, GA 30097  
Telephone Number 470-321-7112

By: /s/Laura Egerman  
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**CERTIFICATION OF SERVICE**

1. I, Laura Egerman, represent Wilmington Savings Fund Society, FSB, D/B/A Christiana Trust, Not Individually but As Trustee for Pretium Mortgage Acquisition Trust in this matter.
2. On October 16, 2019, I caused a copy of the following pleadings and/or documents to be sent to the parties listed in the chart below.
3. I certify under penalty of perjury that the above documents were sent using the mode of service indicated.

Dated: October 16, 2019

RAS Crane, LLC  
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By: /s/Laura Egerman  
Laura Egerman, Esquire  
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<u>Name and Address of Party Served</u>	<u>Relationship of Party to the Case</u>	<u>Mode of Service</u>
Robert C. Nisenson 10 Auer Court Suite E East Brunswick, NJ 08816	Attorney for Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other <hr/> (as authorized by the court*)
Kurt N. Kvist 77 West St. Colonia, NJ 07067	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other <hr/> (as authorized by the court*)
Albert Russo Chapter 13 Standing Trustee CN 4853 Trenton, NJ 08650	Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other <hr/> (as authorized by the court*)
U.S. Trustee One Newark Center Ste 2100 Newark, NJ 07102	U.S. Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other <hr/> (as authorized by the court*)